

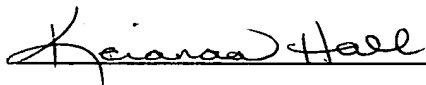
Appl. No. 09/765,231
Amendment Dated 8 December 2003
Reply to Office Action of 22 July 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: |
PHIPPARD et al. | GROUP ART UNIT: 1635
SERIAL NUMBER: 09/765,231 | EXAMINER: R. SCHNIZER
FILED: 18 JANUARY 2001 | DATE: 8 DECEMBER 2003
ATTORNEY DOCKET NO.: | CONFIRMATION NUMBER: 7382
3221/00-US

**TITLE: OSTEOARTHRITIS TISSUE DERIVED NUCLEIC ACIDS, POLYPEPTIDES,
VECTORS, AND CELLS**

I hereby certify that this correspondence is being deposited with the United States Postal
Service as First Class Mail in an envelope addressed to:
Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313 on 8 December 2003.



Date: 12-08-03

REPLY UNDER 37 C.F.R. § 1.111

I. INTRODUCTORY COMMENTS

Commissioner of Patents and Trademarks
Alexandria, VA 22313

Sir:

This paper is in response to the Office Action dated 22 July 2003, the Shortened Statutory Period for Response expired on 22 October 2003. Applicants request a two-month extension of time. Please charge any appropriate fees to Deposit Account No. 19-1025.

Amendments to the claims are reflected in the listing of claims, which starts on page 2 of this paper.

Remarks start on page 6 of this paper.

41

1635 1632

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)
(Large Entity)

Docket No.
S03221/00

In Re Application Of: **Deborah J. Phippard, et al.**

Serial No.
09/765,231

Filing Date
January 18, 2001

Examiner
Richard A. Schnizer

Group Art Unit
1635

Invention:

OSTEOARTHRITIS TISSUE-DERIVED NUCLEIC ACIDS, POLYPEPTIDES, VECTORS, AND CELLS

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DEC 19 2003

TO THE COMMISSIONER FOR PATENTS:

TECH CENTER 1600/2900

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of 07/22/03 above-identified application.
Date


The requested extension is as follows (check time period desired):

☐ One month ☒ Two months ☐ Three months ☐ Four months ☐ Five months

from: 10/22/03 until: 12/22/03
Date *Date*

The fee for the extension of time is **\$420** and is to be paid as follows:

- ☐ A check in the amount of the fee is enclosed.
☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **19-1025**
☐ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. **19-1025**


Signature

Philip B. Polster, II Reg. No. 43,864

Dated: **December 8, 2003**

Customer N . 26648

12/16/2003 HDERESS1 00000033 191025 09765231

01 FC:1252 420.00 DA

cc:

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Signature of Person Mailing Correspondence

Keianaa N. Hall

Typed or Printed Name of Person Mailing Correspondence

AMENDMENT TRANSMITTAL LETTER (Large Entity)

Applicant(s): Deborah Phippard, et al.

Docket No.

S03221/00

Serial No.

09/765,231

Filing Date

January 18, 2001

Examiner

Richard A. Schnizer

Group Art Unit

1635

Invention:

OSTEOARTHRITIS TISSUE-DERIVED NUCLEIC ACIDS, POLYPEPTIDES, VECTORS, AND CELLSTO THE COMMISSIONER FOR PATENTS:

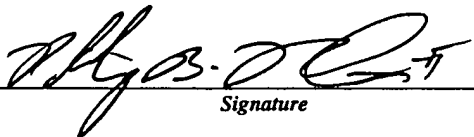
Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	26 -	59 =	0 x	\$18.00	\$0.00
INDEP. CLAIMS	2 -	9 =	0 x	\$86.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00

- ☐ No additional fee is required for amendment.
- ☐ Please charge Deposit Account No. _____ in the amount of _____
- ☐ A check in the amount of _____ to cover the filing fee is enclosed.
- ☒ The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. **19-1025**
- ☒ Any additional filing fees required under 37 C.F.R. 1.16.
- ☒ Any patent application processing fees under 37 CFR 1.17.


Signature

Dated: December 8, 2003

Philip B. Polster, II Reg. No. 43,864

Customer N . 26648

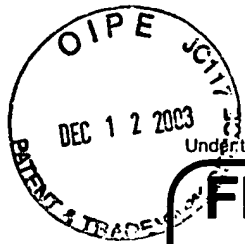
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Signature of Person Mailing Correspondence

Keianaa N. Hall

Typed or Printed Name of Person Mailing Correspondence



FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)**\$420.00**

Complete if Known

Application Number 09/765,231
Filing Date January 18, 2001
First Named Inventor Deborah J. Phippard
Examiner Name Richard A. Schnizer
Art Unit 1635
Attorney Docket No. S03221/00 US

RECEIVED

DEC 19 2003

TECH CENTER 1600/2900

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number

19-1025

Deposit Account Name

Pharmacia Corporation

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☐ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$)

2. EXTRA CLAIM FEES FOR UTILITY AND

Extra Claims		Fee from below	Fee Paid
Total Claims	-20** =		
	0	X	0.00
Independent Claims	-3** =		
	0	X	0.00
Multiple Dependent			

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)**\$0.00**

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non - English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	420.00
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR § 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Statement	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)**\$420.00**

SUBMITTED BY

Name (Print/Type) Philip B. Polster, II

Registration No. 43,864
(Attorney/Agent)

Complete (if applicable)

Telephone 314-274-9094

Signature

Philip B. Polster, II

Date

December 8, 2003

WARNING: Information on this form may become public. Credit card information should not be included in this form. Provide credit card information and authorization on

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL (37 CFR 1.8)Applicant(s): **Deborah J. Phippard, et al.**

Docket No.

S03221/00

Serial No.

09/765,231

DEC

12 2003

Filing Date

January 18, 2001

Examiner

Richard A. Schnizer

Group Art Unit

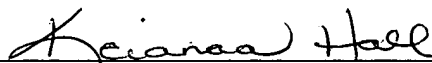
1635

Invention:

OSTEOARTHRITIS TISSUE-DERIVED NUCLEIC ACIDS, POLYPEPTIDES, VECTORS, AND CELLSI hereby certify that this **Fee Transmittal, and Postcard***(Identify type of correspondence)*

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Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

December 8, 2003*(Date)***Keianaa N. Hall***(Typed or Printed Name of Person Mailing Correspondence)**(Signature of Person Mailing Correspondence)***Note: Each paper must have its own certificate of mailing.**